

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**UNITED STATES OF AMERICA**

*Plaintiff*

**v.**

**BRANDON CARTER (3)**

*Defendant*

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**1:20-cr-00203-RP-3**

**Order On Petition for Action on Conditions of Pretrial Release**

Before the Court is the U.S. Pretrial Services Office’s Petition for Action on Conditions of Pretrial Release, filed October 29, 2021 (the “Second Petition”) (Dkt. 190) (sealed).

On August 18, 2020, Defendant Brandon Carter was indicted on one count of Conspiracy to Possess with Intent to Distribute and to Distribute Cocaine, in violation of 21 U.S.C. § 846. Dkt. 3. Defendant subsequently was arrested and was released pursuant to the Court’s Order Setting Conditions of Release on September 2, 2020. Dkt. 81.

On December 2, 2020, Pretrial Services submitted its first Petition for Action on Conditions of Pretrial Release (the “First Petition”) in this case, alleging that Defendant violated the condition of his release not to violate federal, state, or local law. Dkt. 103. According to an offense report from the Bastrop County, Texas Sheriff’s Office, Defendant was arrested for possession of marijuana on December 1, 2020, when he was found with .031 ounces of marijuana and \$4,732 in cash. The county charge was dismissed on December 18, 2020. After a hearing on December 21, 2020, the Court denied the First Petition, finding that probable cause was not established to believe that Defendant had committed a Federal, State, or local crime while on release, pursuant to § 3148(b)(1)(A).

On June 1, 2021, Defendant pled guilty to one count of Conspiracy to Possess with Intent to Distribute 500 grams or more of Cocaine, in violation of 21 U.S.C. §§ 846, 841(a)(1), and 841(b)(1)(B). Dkt. 134. The District Court accepted the plea on June 28, 2021, and sentencing currently is set for March 17, 2022. Dkts. 139, 209.

In the Second Petition, Pretrial Services alleges that Defendant violated the following conditions of his release:

- (1) The defendant must not violate federal, state, or local law while on release.
- (7)(k) The defendant must not possess a firearm, destructive device or other weapon.
- (7)(m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substance defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

Dkt. 190. The Second Petition states that Defendant was arrested on October 29, 2021 in possession of 19 pounds of marijuana and 498.9 grams THC, and that law enforcement officials seized two handguns, a fully converted automatic AR-15 style firearm, and approximately \$35,000 in United States currency as part of their investigation. *Id.*

On March 10, 2022, Defendant waived a bond revocation hearing. Dkt. 222.

Accordingly, pursuant to 18 U.S.C. § 3148, the Court hereby **GRANTS** the Petition for Action on Conditions of Pretrial Release dated October 29, 2021 (Dkt. 190). **IT IS ORDERED** that Defendant's release on conditions is **REVOKED** and he is **HEREBY DETAINED** pending further proceedings.

#### **Directions Regarding Detention**

Defendant is remanded to the custody of the Attorney General or his designated representative and confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant must be afforded a

reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

**SIGNED** March 10, 2022.



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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE